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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,599	01/10/2002	Nick Chen	CHEN-336	5101

1444 7590 09/24/2003

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EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 09/24/2003

A

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,599

Applicant(s)

CHEN, NICK

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Objections to the abstract are hereby withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (5,392,679).

Regarding claim 1, note base 20; legs of base 20 rest on a flat surface inherently; cutting portion 111; retaining portion in figure 1, which is below cutting portion 111 and has notches in its periphery to engage a lock element 124 as described in column 1, lines 29-32; fence with an opening rising vertically from base 20 in figure 4; elongated suspension arm 31; bottom side of cutting portion juxtaposed between cutting portion 111 and retaining portion in figure 1; rotation of suspension arm in column 1, lines 32-36; coupling portion 124, 125; mounting seats 32, 122; mounting hole 322, 321; first positioning unit 33; adjustment members 40, 123; second positioning member 43; through hole 46, 461; screw bolt 48; support rods 42, 14; saw racks 53; arch saw 50.

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Regarding claim 2, note vertical locating slot and plurality of tilted locating slots 33; imaginary common center of circle at the center of 321; respective contained angle in column 3, lines 25-31.

Regarding claim 3, note locating rib 43.

Regarding claim 4, note mounting hole 321, 322 is elongated at 322 and arched at 321.

Regarding claim 5, note the center of circle of arched mounting hole 321 is imaginary center of slots as shown in figure 4.

Regarding claim 6, note arched fender 122 in figure 2; center of circle is inherently identical to the imaginary center of circle 321 because the center 321 is the rotation point of the apparatus.

Regarding claim 7, note smoothly arched bottom surface of adjustment member 123 in figure 2.

Regarding claim 8, note top plug holes 1231; screw holes as seen in figure 2 directly below plug holes 1231 and figure 3 directly below rod 14.

Response to Arguments

Applicant's arguments filed 6-26-2003 have been fully considered but they are not persuasive. Applicant asserts that the rejection was made under 35 USC 102 (a). However, the previous Office action did not have such a rejection. The rejection in the previous Office action was made under 35 USC 102 (b). Applicant asserts that, in claim 5, the adjustment member is rotated about an imaginary center. It is believed that the adjustment member 32 rotates about an imaginary center, as seen in figure 4, which is a point that lies in an empty space 321. Since the

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center of the circle of the slots in figure 4 lies in an empty space, and cannot be defined by the location of a tangible material, it is imaginary. Applicant asserts that Wang '679 does not disclose that the adjustment member 30 can be adjusted by a single screw bolt. It is believed that whether or not Wang '679 discloses this limitation or that it would have been obvious to combine this feature from another reference is irrelevant because this limitation does not exist in the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to

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reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to

the receptionist whose telephone number is 703-308-1148.



IH

September 22, 2003


Allan M. Shoap
Supervisory Patent Examiner
Group 3700